

2 **E2SSB 5064** - H COMM AMD
3 By Committee on Natural Resources

4 ADOPTED AS AMENDED 4/12/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 75.50 RCW
8 to read as follows:

9 The legislature finds that:

10 (1) Regional enhancement groups are a valuable resource for
11 anadromous fish recovery. They improve critical fish habitat and
12 directly contribute to anadromous fish populations through fish
13 restoration technology.

14 (2) Due to a decrease in recreational and commercial salmon license
15 sales, regional enhancement groups are receiving fewer financial
16 resources at a time when recovery efforts are needed most.

17 (3) To maintain regional enhancement groups as an effective
18 enhancement resource, technical assets of state agencies must be
19 coordinated and utilized to maximize the financial resources of
20 regional enhancement groups and overall fish recovery efforts.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 75.50 RCW
22 to read as follows:

23 The department's habitat division shall work with cities, counties,
24 and regional fisheries enhancement groups to develop a program to
25 identify and expedite the removal of human-made or caused impediments
26 to anadromous fish passage. A priority shall be given to projects that
27 immediately increase access to available and improved spawning and
28 rearing habitat for depressed, threatened, and endangered stocks. The
29 department may contract with cities and counties to assist in the
30 identification and removal of impediments to anadromous fish passage.

31 A report on the progress of impediment identification and removal
32 and the need for any additional legislative action shall be submitted
33 to the senate and the house of representatives natural resources
34 committees no later than January 1, 1996.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 75.50 RCW
2 to read as follows:

3 To maximize available state resources, the department and the
4 department of transportation shall work in partnership with the
5 regional fisheries enhancement group advisory board to identify
6 cooperative projects to eliminate fish passage barriers caused by state
7 roads and highways. The advisory board may provide input to the
8 department to aid in identifying priority barrier removal projects that
9 can be accomplished with the assistance of regional fisheries
10 enhancement groups. The department of transportation shall provide
11 engineering and other technical services to assist regional fisheries
12 enhancement groups with fish passage barrier removal projects, provided
13 that the barrier removal projects have been identified as a priority by
14 the department of fish and wildlife and the department of
15 transportation has received an appropriation to continue the fish
16 barrier removal program.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.58 RCW
18 to read as follows:

19 A regional fisheries enhancement group or cooperative group project
20 that is primarily designed to improve fish habitat or fish passage; has
21 been approved by the department of fish and wildlife; has been given or
22 is qualified to be given a hydraulic permit; and has been determined by
23 local government to not substantially affect other concerns of this
24 chapter is exempt from the permitting requirements of this chapter. A
25 letter of exemption must be obtained from the local government, which
26 shall be provided in a timely manner.

27 **Sec. 5.** RCW 75.50.110 and 1990 c 58 s 4 are each amended to read
28 as follows:

29 (1) A regional fisheries enhancement group advisory board is
30 established to make recommendations to the director. ~~((The advisory
31 board shall make recommendations regarding regional enhancement group
32 rearing project proposals and funding of those proposals.))~~ The
33 members shall be appointed by the director and consist of two
34 commercial fishing representatives, two recreational fishing
35 representatives, and three at-large positions. At least two of the
36 advisory board members shall be members of a regional fisheries
37 enhancement group. Advisory board members shall serve three-year

1 terms. The advisory board membership shall include two members serving
2 ex officio to be nominated, one through the Northwest Indian fisheries
3 commission, and one through the Columbia river intertribal fish
4 commission. The chair of the regional fisheries enhancement group
5 advisory board shall be elected annually by members of the regional
6 fisheries enhancement advisory board. The advisory board shall meet at
7 least quarterly. All meetings of the advisory board shall be open to
8 the public under the open public meetings act, chapter 42.30 RCW.

9 The department shall invite the advisory board to comment and
10 provide input into all relevant policy initiatives, including, but not
11 limited to, wild stock, hatcheries, and habitat restoration efforts.

12 (2) Members shall not be compensated but shall receive
13 reimbursement for travel expenses in accordance with RCW 43.03.050 and
14 43.03.060.

15 (3) The department may use account funds to provide agency
16 assistance to the groups, to provide professional, administrative or
17 clerical services to the advisory board, or to implement the training
18 and technical services plan as developed by the advisory board pursuant
19 to section 6 of this act. The level of account funds used by the
20 department shall be determined by the director after review ((and)) of
21 recommendation by the regional fisheries enhancement group advisory
22 board and shall not exceed twenty percent of annual contributions to
23 the account.

24 NEW SECTION. Sec. 6. A new section is added to chapter 75.50 RCW
25 to read as follows:

26 (1) The regional fisheries enhancement group advisory board shall:

27 (a) Assess the training and technical assistance needs of the
28 regional fisheries enhancement groups;

29 (b) Develop a training and technical assistance services plan in
30 order to provide timely, topical technical assistance and training
31 services to regional fisheries enhancement groups. The plan shall be
32 provided to the director and to the senate and house of representatives
33 natural resources committees no later than October 1, 1995, and shall
34 be updated not less than every year. The advisory board shall provide
35 ample opportunity for the public and interested parties to participate
36 in the development of the plan. The plan shall include but is not
37 limited to:

1 (i) Establishment of an information clearinghouse service that is
2 readily available to regional fisheries enhancement groups. The
3 information clearinghouse shall collect, collate, and make available a
4 broad range of information on subjects that affect the development,
5 implementation, and operation of diverse fisheries and habitat
6 enhancement projects. The information clearinghouse service may
7 include periodical news and informational bulletins;

8 (ii) An ongoing program in order to provide direct, on-site
9 technical assistance and services to regional fisheries enhancement
10 groups. The advisory board shall assist regional fisheries enhancement
11 groups in soliciting federal, state, and local agencies, tribal
12 governments, institutions of higher education, and private business for
13 the purpose of providing technical assistance and services to regional
14 fisheries enhancement group projects; and

15 (iii) A cost estimate for implementing the plan;

16 (c) Propose a budget to the director for operation of the advisory
17 board and implementation of the technical assistance plan;

18 (d) Make recommendations to the director regarding regional
19 enhancement group project proposals and funding of those proposals; and

20 (e) Establish criteria for the redistribution of unspent project
21 funds for any regional enhancement group that has a year ending balance
22 exceeding one hundred thousand dollars.

23 (2) The regional fisheries enhancement group advisory board may:

24 (a) Facilitate resolution of disputes between regional fisheries
25 enhancement groups and the department;

26 (b) Promote community and governmental partnerships that enhance
27 the salmon resource and habitat;

28 (c) Promote environmental ethics and watershed stewardship;

29 (d) Advocate for watershed management and restoration;

30 (e) Coordinate regional fisheries enhancement group workshops and
31 training;

32 (f) Monitor and evaluate regional fisheries enhancement projects;

33 (g) Provide guidance to regional fisheries enhancement groups; and

34 (h) Develop recommendations to the director to address identified
35 impediments to the success of regional fisheries enhancement groups.

36 **Sec. 7.** RCW 75.50.120 and 1990 c 58 s 5 are each amended to read
37 as follows:

1 The department and the regional fisheries enhancement group
2 advisory board shall report biennially to the senate (~~((environment and~~
3 ~~natural resources committee,))~~) and the house of representatives
4 (~~((fisheries and wildlife))~~) natural resources committees, the senate
5 ways and means committee and house of representatives fiscal
6 committees, or any successor committees beginning October 1, 1991. The
7 report shall include but not be limited to the following:

- 8 (1) An evaluation of enhancement efforts;
- 9 (2) A description of projects;
- 10 (3) A region by region accounting of financial contributions and
11 expenditures including the enhancement group account funds; (~~and~~)
- 12 (4) Volunteer participation and member affiliation, including an
13 inventory of volunteer hours dedicated to the program;
- 14 (5) An evaluation of technical assistance training efforts and
15 agency participation;
- 16 (6) Identification of impediments to regional fisheries enhancement
17 group success; and
- 18 (7) Suggestions for legislative action that would further the
19 enhancement of salmonid resources.

20 **Sec. 8.** RCW 75.50.100 and 1993 sp.s. c 17 s 11 and 1993 c 340 s 53
21 are each reenacted and amended to read as follows:

22 The dedicated regional fisheries enhancement group account is
23 created in the custody of the state treasurer. Only the director or
24 the director's designee may authorize expenditures from the account.
25 The account is subject to allotment procedures under chapter 43.88 RCW,
26 but no appropriation is required for expenditures.

27 A surcharge of one dollar shall be collected on each recreational
28 personal use food fish license sold in the state. A surcharge of one
29 hundred dollars shall be collected on each commercial salmon fishery
30 license, each salmon delivery license, and each salmon charter license
31 sold in the state. The department shall study methods for collecting
32 and making available, an annual list, including names and addresses, of
33 all persons who obtain recreational and commercial salmon fishing
34 licenses. This list may be used to assist formation of the regional
35 fisheries enhancement groups and allow the broadest participation of
36 license holders in enhancement efforts. The results of the study shall
37 be reported to the house of representatives fisheries and wildlife
38 committee and the senate environment and natural resources committee by

1 October 1, 1990. All receipts shall be placed in the regional
2 fisheries enhancement group account and shall be used exclusively for
3 regional fisheries enhancement group projects for the purposes of RCW
4 75.50.110. Funds from the regional fisheries enhancement group account
5 shall not serve as replacement funding for department operated salmon
6 projects that exist on January 1, 1991.

7 All revenue from the department's sale of salmon carcasses and eggs
8 that return to group facilities shall be deposited in the regional
9 fisheries enhancement group account for use by the regional fisheries
10 enhancement group that produced the surplus. Revenue from any
11 enhancement group's sale of salmon carcasses and eggs conducted
12 pursuant to section 9 of this act shall also be deposited in the
13 regional fisheries enhancement group account. The director shall adopt
14 rules to implement this section pursuant to chapter 34.05 RCW.

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 75.50 RCW
16 to read as follows:

17 The department shall establish a hatchery egg and carcass take
18 program for projects conducted by regional fisheries enhancement
19 groups. Under the program, salmon that have returned to the hatchery
20 of a regional fisheries enhancement group, and the eggs from those
21 salmon, may be sold by the group in accordance with rules established
22 by the department. All proceeds from sales of salmon eggs and
23 carcasses that return to group facilities shall be deposited in the
24 dedicated regional fisheries enhancement group account for reallocation
25 to the regional fisheries enhancement group or groups sponsoring the
26 project.

27 Prior to engaging in salmon egg sales under this program, the
28 regional fisheries enhancement group shall ensure that all on-station
29 needs are fulfilled and that the eggs are made available for other
30 appropriate department or tribal hatchery needs, or other group
31 projects.

32 The department, in consultation with the regional fisheries
33 enhancement group advisory board, shall develop rules in accordance
34 with chapter 34.05 RCW for the purpose of implementing this section.
35 The rules shall include the following:

- 36 (1) Requirements for conducting sales under the program;
37 (2) Accounting procedures for tracking sales;

1 (3) Provisions for ensuring compliance with the wild salmonid
2 policy established under RCW 75.28.760; and

3 (4) Provisions for reallocating proceeds generated under this
4 section to the regional fisheries enhancement group or groups
5 sponsoring the project that generated the proceeds.

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 75.50 RCW
7 to read as follows:

8 The department shall coordinate with the regional fisheries
9 enhancement group advisory board to field test coho and chinook salmon
10 remote site incubators. The purpose of field testing efforts shall be
11 to gather conclusive scientific data on the effectiveness of coho and
12 chinook remote site incubators.

13 **Sec. 11.** RCW 75.08.230 and 1993 c 340 s 48 are each amended to
14 read as follows:

15 (1) Except as provided in this section, state and county officers
16 receiving the following moneys shall deposit them in the state general
17 fund:

18 (a) The sale of licenses required under this title;

19 (b) The sale of property seized or confiscated under this title;

20 (c) Fines and forfeitures collected under this title;

21 (d) The sale of real or personal property held for department
22 purposes;

23 (e) Rentals or concessions of the department;

24 (f) Moneys received for damages to food fish, shellfish or
25 department property; and

26 (g) Gifts.

27 (2) The director shall make weekly remittances to the state
28 treasurer of moneys collected by the department.

29 (3) All fines and forfeitures collected or assessed by a district
30 court for a violation of this title or rule of the director shall be
31 remitted as provided in chapter 3.62 RCW.

32 (4) Proceeds from the sale of food fish or shellfish taken in test
33 fishing conducted by the department, to the extent that these proceeds
34 exceed the estimates in the budget approved by the legislature, may be
35 allocated as unanticipated receipts under RCW 43.79.270 to reimburse
36 the department for unanticipated costs for test fishing operations in
37 excess of the allowance in the budget approved by the legislature.

1 (5) Proceeds from the sale of salmon carcasses and salmon eggs from
2 state general funded hatcheries by the department (~~(, to the extent~~
3 ~~these proceeds exceed estimates in the budget approved by the~~
4 ~~legislature, may be allocated as unanticipated receipts under RCW~~
5 ~~43.79.270. Allocations under this subsection shall be made only for~~
6 ~~hatchery operations partially or wholly financed by sources other than~~
7 ~~state general revenues or for purposes of processing human consumable~~
8 ~~salmon for disposal)) of general administration shall be deposited in
9 the regional fisheries enhancement group account established in RCW
10 75.50.100.~~

11 (6) Moneys received by the director under RCW 75.08.045, to the
12 extent these moneys exceed estimates in the budget approved by the
13 legislature, may be allocated as unanticipated receipts under RCW
14 43.79.270. Allocations under this subsection shall be made only for
15 the specific purpose for which the moneys were received, unless the
16 moneys were received in settlement of a claim for damages to food fish
17 or shellfish, in which case the moneys may be expended for the
18 conservation of these resources.

19 (7) Proceeds from the sale of herring spawn on kelp fishery
20 licenses by the department, to the extent those proceeds exceed
21 estimates in the budget approved by the legislature, may be allocated
22 as unanticipated receipts under RCW 43.79.270. Allocations under this
23 subsection shall be made only for herring management, enhancement, and
24 enforcement.

25 NEW SECTION. Sec. 12. If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. Sec. 13. This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and shall take
32 effect immediately."

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2 By Committee on Natural Resources

3 ADOPTED AS AMENDED 4/12/95

4 On page 1, line 1 of the title, after "program;" strike the
5 remainder of the title and insert "amending RCW 75.50.110, 75.50.120,
6 and 75.08.230; reenacting and amending RCW 75.50.100; adding new
7 sections to chapter 75.50 RCW; adding a new section to chapter 90.58
8 RCW; and declaring an emergency."

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